

REMARKS

Reconsideration of this application in light of the present amendment and response is respectfully requested.

Claims 1-9 and 12-21 have been rejected.

Claims 10 and 11 were previously canceled.

Claims 5 and 15 have been canceled, without prejudice.

Claims 1 and 12 have been amended.

Claims 1-4, 6-9, 12-14 and 16-21 are pending in this application.

Claims 1, 2, 4, 6, 9, 12, 14, 16, 18, 19 and 21 have been rejected under 35 U.S.C. §102(b) as being anticipated by Shafran et al. (US Publ. 2003/0186693, hereinafter "Shafran"). This rejection is respectfully traversed.

Independent claim 1 has been amended to incorporate claim 5 (subsequently canceled) and also to include an allocation of an outage alarm priority for a cell based on the calculated degree of coverage overlap. This is supported in the specification on page 8, lines 14-23. The combination of recitations in claim 1 are not disclosed or suggested in any of the cited references.

Advantageously, applicant's invention of claim 1 provides a maintenance priority to those cells that have a unique, critical coverage area that can not be covered by surrounding cells in the event of an outage of those unique cells.

The Examiner has not included claim 5 (or 15) in this §102 rejection under Shafran, but does reject claim 5 (and 15) in a subsequent §103 rejection (below) citing Shafran and Dillinger et al. (US Publ. 2004/0058679) and admits that Shafran *does not* suggest or disclose allocating a priority to cells, but that Dillinger et al does.

Although Dillinger et al. [para. 0038] does disclose assigning a priority, the priority is based upon reception field strength for cells having different network access technologies, which is completely different from applicants' allocating an outage alarm priority, as recited in amended claim 1.

Accordingly, applicants respectfully submit that amended claim 1 is now allowable over the cited references.

Independent claim 12 has also been amended to include claim 15 and to reflect the same recitations, as detailed with respect to claim 1 above, and is deemed allowable as well for the same reason.

Accordingly, applicant's amended independent claims 1 and 12 are deemed patentably distinct and nonobvious from Shafran and Dillinger et al, either in combination or alone.

Moreover, claims 2, 4, 6 and 9 are dependent on amended claim 1, hereby incorporated by reference, and are now deemed allowable as well for the same reasons. Similarly, claims 14, 16, 18, 19 and 21 are dependent on amended claim 12, hereby incorporated by reference, and are now deemed allowable as well for the same reasons.

Applicant respectfully requests that this rejection be withdrawn.

Claims 3 and 13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shafran in view of US Prov. 60/369,368. This rejection is respectfully traversed.

Claims 3 and 13 are dependent on amended claims 1 and 12, respectively, hereby incorporated by reference, and are therefore deemed patentable and non-obvious as well for the same reasons.

Accordingly, it is respectfully submitted that this rejection has been overcome.

Claims 5 and 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shafran in view of Dillinger et al. (US Publ. 2004/0058679).

Claims 5 and 15 have been canceled thereby rendering this rejection moot.

Claims 7 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shafran in view of Andersson (US 6,173,168). This rejection is respectfully traversed.

Claims 7 and 20 are dependent on amended claims 1 and 12, respectively, hereby incorporated by reference, and are therefore deemed patentable and non-obvious as well for the same reasons.

Accordingly, it is respectfully submitted that this rejection has been overcome.

Claim 8 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Shafran in view of Tse (US 6480718). This rejection is respectfully traversed.

Claim 8 is dependent on amended claim 1, hereby incorporated by reference, and is therefore deemed patentable and non-obvious as well for the same reasons.

Accordingly, it is respectfully submitted that this rejection has been overcome.

The other references of record have been reviewed and applicant's invention is deemed patentably distinct and nonobvious over each taken alone or in combination.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.

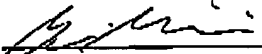
No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection or through an Examiner's amendment.

Authorization is hereby given to charge any fees necessitated by actions taken herein to Deposit Account 50-2117.

Respectfully submitted,
Stephens et al.

Customer Number 22917
Motorola, Inc.
Law Dept. - 3rd floor
1303 E. Algonquin Rd.
Schaumburg, IL 60196

By: 
Brian M. Mancini
Attorney for Applicant(s)
Registration No. 39,288
Phone: (847) 576-3992
FAX: (847) 576-3750